

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

Because each county writes rules and regulations in its own unique style, County Notices published in the *Register* do not conform to the standards of the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, the rules (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

NOTICE OF RULEMAKING DOCKET OPENING

MARICOPA COUNTY AIR QUALITY DEPARTMENT

[M06-433]

1. **Title and its heading:** Maricopa County Air Pollution Control Regulations
Regulation and its heading: Regulation I - General Provisions
Regulation II - Permits and Fees
Regulation III - Control of Air Contaminants
Rule and its heading: Rule 100 - General Provisions and Definitions
Rule 200 - Permit Requirements
Rule 210 - Title V Permit Provisions
Rule 220 - Non-Title V Permit Provisions
Rule 230 - General Permits
Rule 240 - Permit Requirements For New Major Sources and Major Modifications to Existing Major Sources
New Rule 372 - Maricopa County Hazardous Air Pollutants (HAPs) Program
Appendix B - Standard Permit Application Form and Filing Instructions
New Appendix H - Procedures for Determining Ambient Air Concentrations for Hazardous Air Pollutants
2. **The subject matter of the proposed rule(s):**

The Maricopa County Air Quality Department is proposing rules to implement a county hazardous air pollutants (HAPs) program to comply with the authority of Arizona Revised Statutes (A.R.S.) 49-480.04 - County Program for Control of Hazardous Air Pollutants and to be similar to and no more stringent than the Arizona Department of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Also, as part of this rulemaking, Maricopa County may add, delete, or modify additional rules as necessary.
3. **A citation to all published notices relating to this proceeding:**

None to date
4. **The name and address of department personnel with whom persons may communicate regarding the proposed rule(s):**

Name: Johanna M. Kuspert or Jo Crumbaker
Address: Maricopa County Air Quality Department
1001 N. Central Ave., Suite # 595
Phoenix, AZ 85004
Telephone: (602) 506-6710 or (602) 506-6705
Fax: (602) 506-6179
E-mail: jkuspert@mail.maricopa.gov or jcrumbak@mail.maricopa.gov
5. **The time during which the department will accept written comments and the time and place where oral comments may be made:**

To be announced in the Notice of Proposed Rulemaking
6. **A timetable for department decisions or other action on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking

NOTICE OF SUBSTANTIVE POLICY STATEMENT
MARICOPA COUNTY AIR QUALITY DEPARTMENT
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
TITLE V OPERATING PERMITS PROGRAM

[M06-434]

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referred:

The subject of the substantive policy statement is the Interim Guidance Document For Title V Permit Revisions. The purpose of the Interim Guidance Document For Title V Permit Revisions is to address the Environmental Protection Agency's (EPA's) Notice Of Deficiency (70 FR 32243 - June 2, 2005) for the Clean Air Act Title V Operating Permits Program for Maricopa County. The guidance will ensure that Maricopa County issues Title V permits that comply with all applicable requirements including the Title I new source review (NSR) requirements contained in the approved State Implementation Plan (SIP) for Maricopa County.

The substantive policy statement does not have a number. The substantive policy statement is referred to as the Interim Guidance Document For Title V Permit Revisions.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Effective October 20, 2006.

3. Summary of the contents of the substantive policy statement:

In the Notice Of Deficiency for Maricopa County's Title V Operating Permit Program, the EPA found the following deficiencies with Maricopa County's Title V Operating Permit Program: Maricopa County has issued Title V permits that do not assure compliance with all applicable requirements, Maricopa County has processed changes as minor permit revisions that should have been processed as significant permit revisions, and when processing minor permit revisions Maricopa County typically signed the source's permit application to indicate approval rather than revising the permit.

The Clean Air Act (CAA) establishes requirements for two permit programs. Title I of the CAA requires a permit program for the construction and modification of stationary sources (NSR) and Title V requires a permit program for the operation of stationary sources. The Title I SIP approved NSR program consists of SIP Rule 20 which requires pre-construction approval, SIP Rule 21 which establishes the procedures for obtaining pre-construction approval, and SIP Rule 2 which defines terms used in Rule 20.

Until 1993, Maricopa County required two permits for stationary sources: an installation permit before beginning construction or modification and a separate permit authorizing operation of the new source or modification. In 1993, Maricopa County amended its air quality rules with the intention of meeting both the Title I NSR requirements and the Title V operating permit requirements with a unitary program that authorizes both construction and operation in single permit. The EPA approved Rule 210-Title V Permit Provisions only under Title V of the CAA. The EPA has not approved the amended air quality rules as a SIP revision for the NSR program. In fact, the EPA Region IX has indicated to Maricopa County that revisions to current rules are necessary to make them approvable under Title I. The provisions of Rules 20 and 21 therefore remain applicable requirements of the SIP enforceable pursuant to A.R.S. §49-404.C and Title I of the CAA.

The provisions of Maricopa County's NSR SIP require pre-construction approval for certain changes at a permitted source. For the most part, Maricopa County enforces the pre-construction approval requirements through the permit revision procedures of current Rule 210. As previously implemented, those procedures allowed some changes that required pre-construction approval under the SIP to proceed on the submission of notice or an application for a minor permit revision which is inconsistent with the NSR SIP.

The Interim Guidance Document For Title V Permit Revisions explains how Maricopa County will ensure that changes or modifications to an emissions unit or operation at a Title V source will comply with both the pre-construction provisions in the NSR SIP and the permitting procedures in the current Rule 210. Before making changes subject to the NSR SIP, Title V sources must obtain pre-construction approval from Maricopa County. The guidance is divided into four sections and two appendices:

- Section 1 describes the criteria for determining which changes require pre-construction approval and describes the permit revision procedures that apply to the affected changes.
- Section 2 describes how to determine which permit revision track in Rule 210 will apply to the change.
- Section 3 describes actions a Title V source may take to streamline the permit revision process.
- Section 4 details the steps Maricopa County intends to take to implement the guidance.
- Appendix A includes flow charts for determining NSR applicability and Title V permit revision processing tracks.

- Appendix B includes a Title V permit revision process checklist.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

The substantive policy statement is a new statement.

5. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Johanna M. Kuspert or Jo Crumbaker
Address: 1001 N. Central Avenue, Suite 595
Phoenix, AZ 85004
Telephone: (602) 506-6710 or (602) 506-6705
Fax: (602) 506-6179
E-Mail: jkuspert@mail.maricopa.gov or jcrumbak@mail.maricopa.gov

6. Information about where a person may obtain a copy of the substantive policy statement and the cost for obtaining the policy statement:

Name: Johanna M. Kuspert or Jo Crumbaker
Address: 1001 North Central Avenue #595, Phoenix, Arizona 85004
Telephone: 602.506.6710 or 602.506.6705
Fax: (602)506-6179
E-Mail: jkuspert@mail.maricopa.gov or jcrumbak@mail.maricopa.gov